

RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CX) DETERMINATION

CX Log #: OR-014-CX-04-26 Lease or Serial #: N/A
Project Name: Long Lake Drilling
Location: T.38 S., R.8 E., Sec. 30, SW1/4NE1/4 County: Klamath County
BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916
Applicant: USDI – Bureau of Reclamation

DESCRIPTION OF THE PROPOSED ACTION:

The Bureau of Reclamation (BOR) is proposing to conduct geological investigations related to Off-Stream Storage in the Long Lake area. Part of the work related to this study involves drilling to obtain soil core samples on BLM administered land as follows: One set of three drill holes (FA-1) will be drilled in the SW1/4NE1/4, Section 30, Township 38 South, Range 8 East. The holes will be approximately 8 inches in diameter and will be backfilled and plugged when the drilling is finished. It will take approximately 5 days to drill each hole. The enclosed drawing is marked with the location of the drill holes. In addition, it is planned to have seven cone penetrometer tests (CPT) conducted in Section 30, as shown on the attached drawing. The CPT tests create a hole approximately 1.5 inches in diameter which is filled at the surface after testing is completed. An archaeologist from BOR will conduct a site investigation prior to any drilling or CPT tests. A licensed geologist will be on site with the drill crew, in compliance with Oregon State regulations. The Oregon Department of Forestry has been contacted and the project will be in compliance with their regulations, regarding fire precautions, in areas under their jurisdiction.

PLAN CONFORMANCE

The above project has been reviewed and found to be in conformance with one or more of the following BLM plans or NEPA analyses.

- A. Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995*
- B. Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)*
- C. Integrated Weed Control Plan (IWCP) 1993*
- D. Lakeview District Fire Management Plan - Phase 1 (1998)*

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action qualifies as a Categorical Exclusion under **Bureau of Land Management Categorical Exclusion 516 DM 6, Appendix 5.4 H(11)** – “Actions where BLM has concurrence or coapproval with another DOI agency and the action is categorically excluded for that DOI agency.” The action proposed by the Bureau of Reclamation qualifies as a Categorical Exclusion under **BOR Categorical Exclusion 516 DM 6, Appendix 9 B(3)** – “Data collection studies that involve test excavations for cultural resources investigations or test pitting, drilling, or seismic investigations for geologic exploration purposes where the impacts will be localized.”

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM6. The proposed action has been reviewed - - none of the exceptions described in 516 DM 2, Appendix 2 (IM No. OR-2002-130) apply (see below).

Will the proposed action meet the following Exceptions?

Exception	Yes No
1. Have significant adverse effects on public health or safety?	() (X)
2. Have adverse effects on such unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks. This also includes significant caves, ACECs, National Monuments, WSAs, RNAs.	() (X)
3. Have highly controversial environmental effects (40 CFR 1508.14)?	() (X)
4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?	() (X)
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	() (X)
6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects? This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).	() (X)
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? This includes Native American religious or cultural sites, archaeological sites, or historic properties.	() (X)
8. Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species? This includes impacts on BLM-designated sensitive species or their habitat. When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species. The responsible official may proceed with the proposed action without preparing a NEPA document when the BE demonstrates either 1) a “no effect” determination or 2) a “may effect, not likely to adversely effect” determination.	() (X)
9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only)?	() (X)
10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements?	() (X)
11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan?	() (X)
12. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice)?	() (X)
13. Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites)?	() (X)
14. Have significant adverse effect on Indian Trust Resources?	() (X)
15. Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species)?	() (X)
16. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects)?	() (X)

The proposed action would not create adverse environmental effects or meet any of the above exceptions.

DOCUMENTATION OF RECOMMENDED MITIGATION

Conservation And Mitigation Measures

Although none of the exceptions described on page 2 are met, the resources discussed are potentially affected. Conservation and mitigation measures below are applied to prevent adverse effects to those resources.

No.	Conservation and Mitigation Measures
7	<p>The entire project area will be surveyed for cultural resources. All cultural sites will be avoided for access to and implementation of the testing. If project activities result in the discovery of unknown cultural resources, all ground disturbing activities shall cease and the BLM's Klamath Falls Resource Area Archeologist and ODOT archaeologist shall be notified immediately. ODOT, the State Historic Preservation Office (SHPO), the Oregon State Museum of Anthropology (OSMA) and the BLM would work together within a framework of an established procedure to determine what steps to take to recover the data. Resumption of activities in that area will be allowed only after all mitigation fieldwork has been conducted.</p> <p>During construction, if human remains are found, the Oregon State Police, SHPO, OSMA, ODOT, and BLM would be contacted. If fossilized bones or other material of paleontological importance are found, OSMA would be notified for appropriate assessment, action and coordination with other state agencies.</p>
15	<p>Botanical surveys were completed in 1992. No special status plants or noxious weeds were found. In order to avoid the introduction or spreading of noxious weeds the following actions will be implemented:</p> <ul style="list-style-type: none">▪ All vehicles and equipment will be cleaned prior to operating on BLM lands and prior to leaving the project site. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.▪ Noxious weeds within the area to be disturbed shall be mowed to ground level by the contractor prior to the start of project activities.▪ All seed sources used in the action area will be weed free and will be approved by BLM prior to application.

Project Design Features

Access Road Maintenance

- BOR shall receive prior approval from private landowners to access across their land to access BLM lands.
- BOR shall keep private landowners informed on a weekly basis of proposed operations.
- BOR shall leave the access road open during use of the site.
- BOR shall have agreement with private landowners of needed maintenance of access road upon project completion. In case the access road should be re-graded following operations, BOR should have a written agreement with private landowners prior to drilling about when and how that will be performed and how it will be funded.

Operations

- Drilling operations including accessing the site and movement of machinery between each hole shall be performed when soil moisture content in the upper 12 inches is less than 20%.
- Access to each drill hole by machinery and support vehicles shall be limited to a single route; parking and use of support vehicles off of these routes shall be minimized.

SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary: (Initial and Date appropriate fields)

Surveys:	1) are completed	2) will be completed	3) are not needed
SS Plants	JW 9/13/04		SA 9/13/04
SS Animals			
Cultural Resources		TC 9/15/04	
Other Surveys			
SS Animal Consultation			SA 09/13/04
Botanical Consultation			JW 9/13/04
Cultural Consultation		TC 9/15/04	

(SS = Special Status)

SUMMARY OF FINDINGS and CX DETERMINATION

Based on the available information and a review by the interdisciplinary team, it is my determination that the proposed action does not constitute a significant impact affecting the quality of the human environment greater than those addressed in the Final Klamath Falls Resource Area Resource Management Plan and EIS.

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in 516 DM 2, Appendix 2, and does not meet any Exception. The application of this categorical exclusion is appropriate, as there are no extra ordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

Prepared By:

Reviewed By: The Klamath Falls Resource Area Interdisciplinary Team

Approved By:

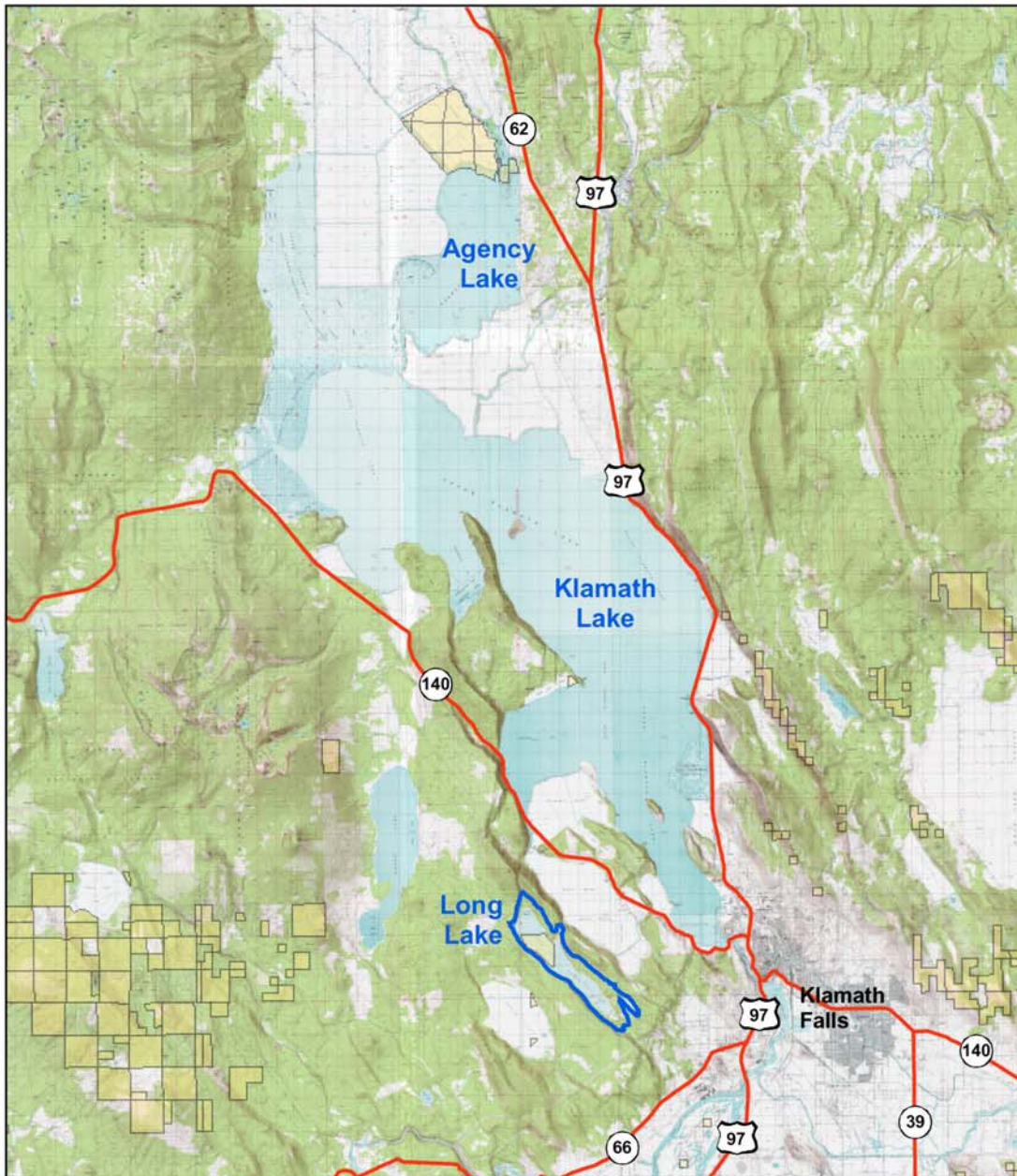

Jon Raby

BLM Resource Area Manager

9/15/04
Date



Local Vicinity



- Long Lake
- BLM

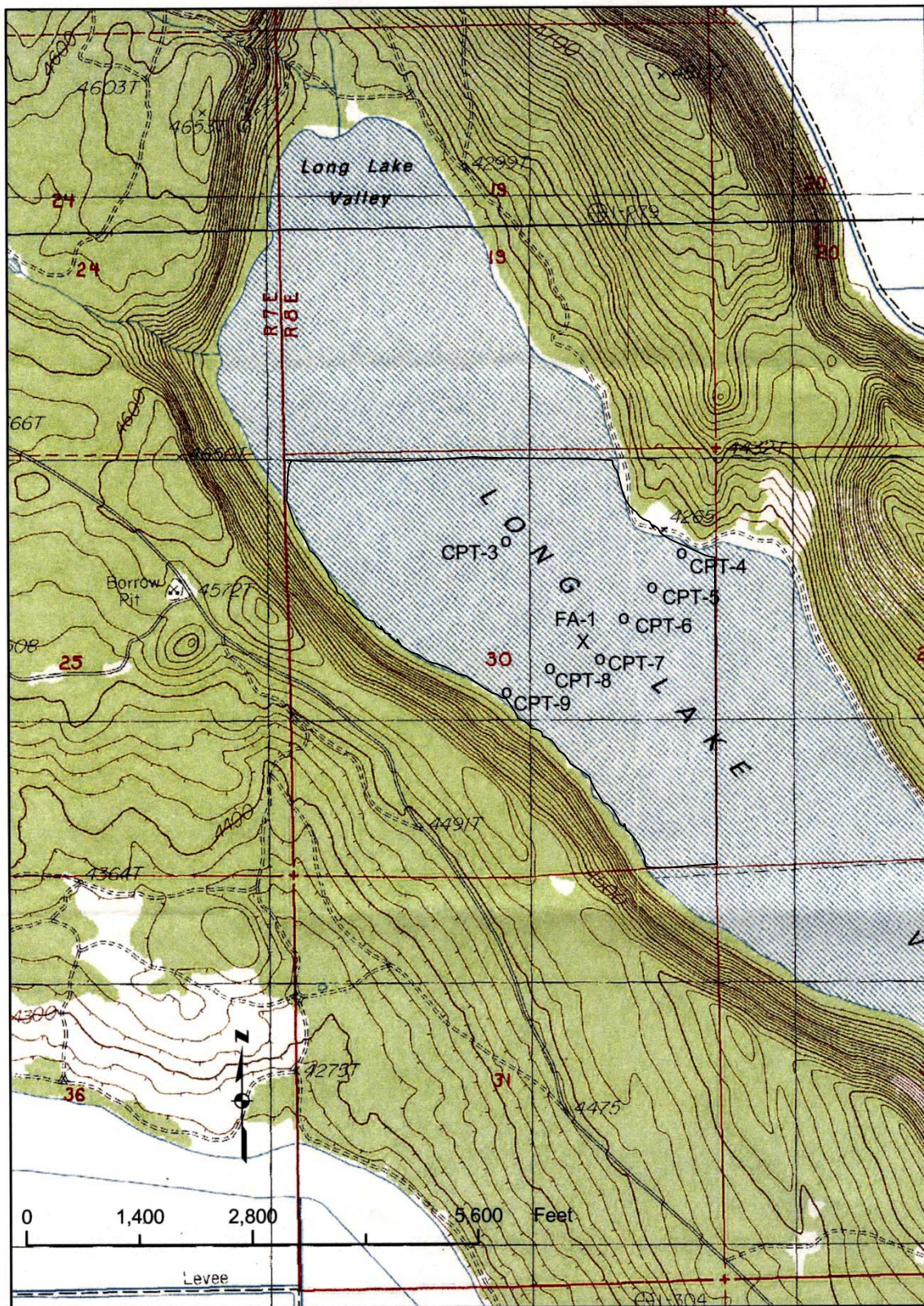
0 1 2 4 6 Miles



United States Department of the Interior
Bureau of Land Management
Klamath Falls Resource Area
2795 Anderson Ave. #25
Klamath Falls, Oregon 97603
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Long Lake Off-Stream Storage Investigation

□ BLM-administered land